

REMARKS

The specification has been amended to cause the specification and drawings to be consistent with each other, and also to correct the obvious typographical errors. Copies of the specification pages so amended are enclosed.

There are also enclosed copies of sheets 18, 19 and 20 which have been amended, as suggested by the Examiner, to delete drawing Numerals 1040a, 1153d, 1194d and 1035d. The Examiner has also objected to the drawings with respect to Numerals 1040d and 1153f, based upon said Numerals having been used in drawings but not referenced in the specification. However, after a very thorough check, the undersigned attorney has been unable to locate those two numerals in the drawings and would appreciate further input from the Examiner as to where these two numerals may be. We will, of course, delete those references if and when they are located. The drawings are now believed to be in accordance with the requirements as called for by the Examiner.

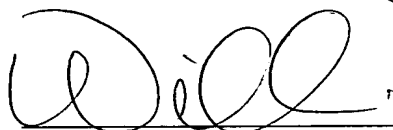
Claims 1-4 have been canceled and Claims 5-11 have been newly added in order to place the application in condition for allowance. A favorable consideration of Claims 5-11 is courteously solicited. The Examiner has indicated that prior Claims 1-4 were objected to under the judicially created doctrine of double patenting based upon U.S. Application NO. 09/724,473. However, it should be appreciated that there were three related, co-pending applications, identified as being Application Nos. 09/724,466; 09/724,473; and 09/724,465. All three of these applications have been allowed to go abandoned in favor of this present application so the issue of double patenting should no longer create a problem.

It should be noted that Claims 1-4 had been rejected under 35 U.S.C. 102 based upon Patent No. 3,495,864 or U.S. Patent No. 3,588,162 to Jones, et al. Since one of those cited references is a division of the other, they are not being addressed individually. It is noted that

the Jones patents each are directed to flap elevators which rotate from the horizontal mode to the vertical mode, and vice versa, but do not move radially inwardly or outwardly in their operational mode. Newly added claims 5-11 each call for the petal flaps to be radially moveable inwardly and outwardly and also for the body to be a fulcrum for the petal plates and also to use a counterforce member in arrangement with the petal plates for opposing leverage imparted over the fulcrum.

Newly added Claims 5-11 are believed to be patentable over the art of record and a favorable consideration is respectfully requested.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "W. E. Johnson, Jr.", written over a horizontal line.

William E. Johnson, Jr.
Reg. No. 22,719
THE MATTHEWS FIRM
1900 West Loop South, Suite 1800
Houston, Texas 77027
Telephone - 713-355-4200
Facsimile - 713-355-9689